

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IRISH HELP AT HOME LLC., et al.,
Plaintiffs,
v.
ROSEMARY MELVILLE, et al.,
Defendants.

Case No. [13-cv-00943-MEJ](#)

**ORDER IN PREPARATION FOR
HEARING ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT**

Re: Dkt. Nos. 28, 29

On January 22, 2015, the Court will hear the parties' arguments on their cross-motions for summary judgment. Dkt. Nos. 28 & 29. The parties should come prepared to discuss and present authority in support of their positions related to the following topics:

- 1) Whether the United States Citizenship and Immigration Service ("USCIS") considered the letter from the California Association for Health Services at Home, stating that "it is a general prerequisite, that a position of this kind [the deputy controller position] be filled with a possessor of a four year Bachelor's degree in Financing." Admin. R. 322. If not, what is the impact of USCIS's failure to consider this evidence?
- 2) Whether the submission of the beneficiary's academic records was mandatory under 8 C.F.R. § 214.2(h)(4)(iv), and whether Plaintiffs' failure to submit those records necessarily requires the denial of their petition.
- 3) Whether 5 U.S.C. § 704 or another authority permits the Court to review USCIS's procedural actions, including its choice to not to issue a Request for Evidence of the

beneficiary's academic records.

4) Whether the document "SUBJECT: Requests for Evidence and Notices of Intent to Deny, 2013 WL 2729808," a June 3, 2013 USCIS Policy Memorandum, provides any authority in interpreting 8 C.F.R. § 103.2(b)(8).

5) Whether the Court may remand this matter to USCIS for consideration of evidentiary issues or other matters.

IT IS SO ORDERED.

Dated: January 21, 2015



MARIA-ELENA JAMES
United States Magistrate Judge

United States District Court
Northern District of California